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3775 7590 08/17/2011 ELMAN TECHNOLOGY LAW, P.C. P. O. BOX 209 SWARTHMORE, PA 19081				
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHALOM LEVIN and SHAI ABRAMSON

Appeal 2009-009845
Application 09/531,735
Technology Center 3600

Before MICHAEL W. O'NEILL, KEN B. BARRETT, and
FRED A. SILVERBERG, *Administrative Patent Judges*.

BARRETT, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Shalom Levin and Shai Abramson (Appellants) seek our review under 35 U.S.C. § 134 of the final rejection of claims 9-22 and 33-35 under 35 U.S.C. § 102(b) as being anticipated by Weber (US 3,670,413, issued Jun. 20, 1972). We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

THE INVENTION

Appellants' claimed invention pertains to a lawnmower blade assembly where the blade can be separated from the motor in a "tool free" manner. Spec. 4:1-4. Claim 9, reproduced below with emphasis added, is representative of the subject matter on appeal¹.

9. A lawnmower blade assembly comprising:

a shaft configured to be in rotatable communication with a motor;

a stub in communication with said shaft;

a blade; and,

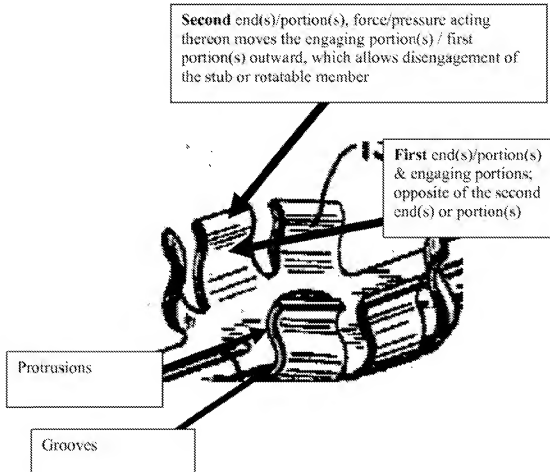
a receiver coupled to said blade, said receiver including a receiving portion and at least a plurality of flexible members configured for moving between inward and outward positions for engaging and retaining said stub in said receiving portion in a releasable engagement, *said flexible members including first ends and second ends, said first ends including engaging portions for moving between said inward and outward positions*, and said first ends in communication with said second ends, *said first ends disposed opposite said second ends on said flexible members, and said second ends configured such that force on each of said second ends moves said engaging portions to said outward positions, allowing for at least the disengagement of said blade from said stub.*

OPINION

Each of Appellants' independent claims 9, 12, 16, 19, and 33 calls for flexible members with first and second ends (claims 9 and 19) or first and second portions disposed at opposite ends of the flexible members (claims 12, 16, and 33). The ends/portions are configured so as to have a particular

¹ The selection of claim 9 as representative of the claimed subject matter is not meant to suggest that claim 9 is the broadest claim on appeal.

functional relationship with each other. The Examiner found that the claimed second end/portion corresponds to the upper area of Weber's spring clip 13 and the claimed first end/portion corresponds to "an opposite (lower) portion." Ans. 11. The Examiner's findings are reflected in the following annotated figure from page 12 of the Answer:



The annotated figure is an enlarged portion of Weber's Figure 4 with, *inter alia*, the Examiner's notations and arrows pointing to the areas of Weber's clip 13 found to be the first and second end(s)/portion(s).

Appellants contend that the Examiner's arrow for the first end/portion is pointing to the middle of Weber's clip, not an end. Reply Br. 4. We agree with Appellants that the arrow appears to be directed to the middle of the

clip. This understanding is reinforced by the Examiner's statement that "the first end is not only not the 'free end' of the spring clips, but it is not even at the place suggested for the 'second end'" which the Examiner characterizes as the lower end or the static end of the spring clip². Ans. 11-12. Thus, the Examiner found the claimed first ends and first portions disposed at an end to be neither the free upper end nor the static lower end. The Examiner does not explain how the area indicated by the Examiner's arrow, which is neither the upper end nor the lower end, constitutes an end or portion disposed at an end within the meaning of Appellants' claims when read in light of the Specification as it would be understood by a person having ordinary skill in the art. Therefore, on the record before us, the Examiner has not established that Weber discloses the claimed first end/portion. As such, we cannot sustain the rejection of claims 9-22 and 33-35 as being anticipated by Weber.

DECISION

The decision of the Examiner to reject claims 9-22 and 33-35 is reversed.

REVERSED

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² Appellants refer to "a 'static' lower end . . . , i.e., an end which is permanently affixed to a central 'web' (indicated by reference number 22 in [Weber's] Fig. 6, but also present in the embodiment shown in Fig. 4)." App. Br. 9.